

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chairman Dennis Himmelberger, on February 18, 2009
at 8:02 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Dennis Himmelberger, Chairman (R)
Rep. Jesse O'Hara, Vice Chairman (R)
Rep. Russell Bean (R)
Rep. Tony Belcourt (D)
Rep. Joel Boniek (R)
Rep. Frosty Boss Ribs (D)
Rep. Dee Brown (R)
Rep. Mary Caferro (D)
Rep. Gordon R. Hendrick (R)
Rep. Pat Ingraham (R)
Rep. Gary MacLaren (R)
Rep. Kendall Van Dyk (D)
Rep. Ted Washburn (R)

Members Excused: Rep. Sue Dickenson, Vice Chairman (D)
Rep. Sue Malek (D)

Members Absent: Rep. Betsy Hands (D)
Rep. Mike Phillips (D)
Rep. Franke Wilmer (D)

Staff Present: Sheri Heffelfinger, Legislative Branch
Marshall McEwen, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 532, HB 546, HB 553, HB 576,
2/11/2009

Executive Action: HB 458, HB 500

00:02:30 Rep. Wilmer entered the room.

HEARING ON HB 553

Opening Statement by Sponsor:

00:03:27 Rep. David Howard (R), HD 60, opened the hearing on
HB 553, Preventing the regulation of incidental
political committees.

EXHIBIT(sth38a01)

00:07:05 Rep. Hands entered the room.

Proponents' Testimony:

00:10:05 Rep. Ken Peterson, HD 46
00:16:11 Harris Himes, Pastor, Big Sky Christian Center,
Hamilton, Montana
00:17:01 Dallas Erickson, Montana Citizens for Decency through
Law

Opponents' Testimony:

00:18:09 Kate Cholewa, Montana Common Cause
00:20:13 Terry Minow, MEA-MFT

Informational Testimony:

00:21:52 Dennis Unsworth, Commissioner, Political Practices

Questions from Committee Members and Responses:

00:29:20 Rep. O'Hara
00:29:40 Rep. Peterson
00:30:44 Rep. Van Dyk
00:32:04 Mr. Himes
00:33:31 Chairman Himmelberger
00:34:13 Rep. Van Dyk
00:35:02 Mr. Himes
00:35:13 Rep. Ingraham
00:35:56 Rep. Howard
00:36:28 Rep. Wilmer
00:38:09 Mr. Unsworth
00:40:25 Rep. Wilmer
00:40:58 Mr. Unsworth
00:42:14 Rep. Wilmer
00:42:30 Mr. Unsworth
00:43:08 Rep. Boniek
00:43:26 Rep. Howard
00:43:32 Rep. Boniek

00:44:07 Mr. Unsworth
00:45:46 Chairman Himmelberger
00:46:03 Mr. Unsworth
00:46:58 Chairman Himmelberger
00:47:13 Mr. Unsworth
00:48:14 Chairman Himmelberger
00:48:55 Mr. Unsworth
00:49:21 Chairman Himmelberger
00:50:00 Mr. Unsworth
00:50:45 Chairman Himmelberger
00:51:05 Rep. Howard
00:51:38 Chairman Himmelberger
00:51:41 Rep. Van Dyk
00:52:43 Mr. Unsworth
00:53:55 Chairman Himmelberger

Closing by Sponsor:

00:54:06 Rep. Howard
00:54:29 Chairman Himmelberger
00:54:33 Rep. Howard
00:57:11 Chairman Himmelberger

HEARING ON HB 532

Opening Statement by Sponsor:

00:58:27 Rep. Gary MacLaren (R), HD 89, opened the hearing on
HB 532, Revise petition signature laws.

Proponents' Testimony:

00:59:08 Terry Minow, MEA-MFT

Opponents' Testimony:

01:01:51 Kate Cholewa, Montana Common Cause

Informational Testimony: None

Questions from Committee Members and Responses:

01:02:57 Rep. Wilmer
01:03:10 Rep. MacLaren
01:04:26 Chairman Himmelberger
01:04:33 Rep. MacLaren
01:04:37 Rep. Wilmer
01:05:27 Ms. Cholewa
01:06:25 Rep. Washburn

01:06:58 Rep. MacLaren
01:07:01 Rep. Washburn
01:07:21 Rep. MacLaren
01:07:27 Rep. Washburn
01:07:34 Rep. MacLaren
01:08:56 Rep. Van Dyk
01:09:05 Rep. MacLaren
01:09:07 Rep. Malek entered the room.
01:09:09 Chairman Himmelberger

Closing by Sponsor:

01:09:13 Rep. MacLaren
01:09:25 Chairman Himmelberger

HEARING ON HB 576

Opening Statement by Sponsor:

01:09:43 Rep. Wendy Warburton (R), HD 34, opened the hearing on
HB 576, Prohibit pay increases for exempt staff during
election year.

[EXHIBIT\(sth38a02\)](#)

Proponents' Testimony:

01:15:15 Linda McCulloch, Montana Secretary of State
[EXHIBIT\(sth38a03\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:17:20 Rep. Wilmer
01:17:48 Rep. Warburton
01:18:07 Rep. Wilmer
01:18:30 Rep. Warburton
01:19:06 Rep. Brown
01:19:33 Chairman Himmelberger
01:19:47 Rep. Boniek
01:20:17 Ms. McCulloch
01:20:27 Rep. Boniek
01:20:38 Ms. McCulloch
01:22:33 Chairman Himmelberger
01:23:14 Rep. MacLaren
01:23:32 Rep. Warburton
01:23:56 Chairman Himmelberger

01:24:37 Rep. Warburton
01:25:32 Chairman Himmelberger
01:25:35 Rep. Wilmer
01:26:02 Ms. McCulloch
01:26:43 Chairman Himmelberger
01:26:56 Rep. Boniek
01:27:27 Rep. Warburton
01:27:48 Rep. Boniek
01:28:04 Rep. Warburton
01:28:18 Chairman Himmelberger

Closing by Sponsor:

01:28:39 Rep. Warburton
01:29:29 Chairman Himmelberger

HEARING ON HB 546

Opening Statement by Sponsor:

01:31:39 Rep. JP Pomnichowski (D), HD 63, opened the hearing on
HB 546, Prohibit covenants restricting certain
political speech.

Proponents' Testimony:

01:38:08 David Parker, Self
01:47:10 Scott Crichton, Executive Director, American Civil
Liberties Union

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:47:51 Rep. Brown
01:48:29 Rep. Pomnichowski
01:49:12 Rep. Brown
01:49:17 Rep. MacLaren
01:49:51 Rep. Pomnichowski
01:50:36 Rep. Hendrick
01:51:44 Rep. Pomnichowski
01:55:23 Rep. Boniek
01:55:45 Rep. Pomnichowski
01:56:07 Rep. Wilmer
01:56:34 Mr. Parker
01:57:31 Chairman Himmelberger
01:58:12 Rep. Pomnichowski

01:58:47 Chairman Himmelberger
01:59:15 Rep. Washburn
01:59:37 Chairman Himmelberger

Closing by Sponsor:

01:59:48 Rep. Pomnichowski
02:02:56 Chairman Himmelberger

Committee Discussion:

02:03:57 Sheryl Olson, Deputy Director, Department of
Administration
02:04:43 Peggy Davis, Administrator, Human Resources Division,
Department of Administration
02:06:38 Chairman Himmelberger
02:06:52 Ms. Davis
02:06:56 Chairman Himmelberger
02:07:33 Ms. Davis
02:08:13 Chairman Himmelberger
02:08:26 Ms. Davis
02:08:34 Chairman Himmelberger
02:08:42 Ms. Davis
02:08:46 Chairman Himmelberger
02:08:55 Ms. Davis
02:09:23 Chairman Himmelberger
02:09:29 Rep. Ingraham
02:09:49 Ms. Davis
02:10:18 Rep. Ingraham
02:10:34 Ms. Davis
02:11:22 Rep. Ingraham
02:12:19 Ms. Davis
02:12:35 Rep. Ingraham
02:13:04 Ms. Davis
02:13:17 Rep. Wilmer
02:13:41 Chairman Himmelberger
02:13:52 Ms. Davis
02:14:00 Rep. Wilmer
02:14:45 Rep. Boniek
02:15:14 Ms. Davis
02:15:19 Rep. Boniek
02:15:27 Ms. Davis
02:15:38 Chairman Himmelberger

EXHIBIT (sth38a04)

02:15:53 Ms. Davis
02:16:16 Chairman Himmelberger
02:16:23 Ms. Heffelfinger
02:18:23 Chairman Himmelberger
02:18:28 Rep. Wilmer
02:18:59 Ms. Davis

02:19:06 Rep. Wilmer
02:19:17 Ms. Heffelfinger
02:19:28 Rep. Wilmer
02:19:45 Chairman Himmelberger
02:20:46 Rep. Ingraham
02:21:33 Chairman Himmelberger
02:21:50 Rep. Wilmer
02:22:32 Rep. Ingraham
02:22:35 Chairman Himmelberger
02:23:18 Ms. Olson
02:23:48 Chairman Himmelberger
02:24:12 Ms. Olson
02:24:16 Chairman Himmelberger
02:24:34 Ms. Olson
02:25:17 Chairman Himmelberger
02:27:32 Ms. Davis
02:27:52 Chairman Himmelberger
02:28:06 Rep. Malek
02:29:10 Chairman Himmelberger

EXECUTIVE ACTION ON HB 458

02:29:50 **Motion:** Rep. Ingraham moved that **HB 458 DO PASS.**

Discussion:

02:29:54 Chairman Himmelberger
02:30:23 Rep. Wilmer
02:30:33 Chairman Himmelberger
02:30:55 Ms. Heffelfinger
02:31:25 Rep. Wilmer
02:31:34 Ms. Heffelfinger
02:31:38 Chairman Himmelberger
02:31:53 Rep. Wilmer
02:32:30 Ms. Heffelfinger
02:32:57 Rep. Brown
02:33:00 Rep. MacLaren
02:33:18 Ms. Heffelfinger
02:33:36 Chairman Himmelberger

02:34:50 **Vote:** Motion failed unanimously by voice vote. Rep. Dickenson, Rep. Phillips, and Rep. Belcourt voted by proxy.

02:35:24 **Motion/Vote:** Rep. Brown moved that **HB 458 BE TABLED.** Motion carried unanimously by voice vote. Rep. Dickenson, Rep. Phillips, and Rep. Belcourt voted by proxy.

02:35:46 Chairman Himmelberger

EXECUTIVE ACTION ON HB 500

02:36:17 **Motion:** Rep. MacLaren moved that **HB 500 DO PASS.**

Discussion:

02:36:29 Chairman Himmelberger

02:36:33 Rep. MacLaren

02:38:33 Chairman Himmelberger

02:38:41 Rep. Boniek

02:39:05 Chairman Himmelberger

02:40:36 **Vote:** Motion failed 8-10 by roll call vote with Rep. Bean, Rep. Boniek, Rep. Hendrick, Rep. Himmelberger, Rep. Ingraham, Rep. MacLaren, Rep. O'Hara, and Rep. Washburn voting aye. Rep. Dickenson, Rep. Phillips, and Rep. Belcourt voted by proxy.

02:41:40 Chairman Himmelberger

02:41:49 Rep. Hendrick

02:41:57 Chairman Himmelberger

ADJOURNMENT

02:42:39 Adjournment: 10:44 A.M.

Marshall McEwen, Secretary

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Additional Documents:

EXHIBIT ([sth38aad.pdf](#))